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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

3623

NOTIFICATION DATE

DELIVERY MODE

08/13/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/635,597	Applicant(s) CUI ET AL.	
	Examiner Jaime Cardenas-Navia	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on July 24, 2008. Claims 15-21 have been cancelled. Claims 1-14 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2008 has been entered.

Response to Arguments

3. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1 and 8 that (1) neither Worthington, Lofton, nor Johnson teach or suggest the invention being embodied in a hand-held computer device. Additionally, Applicant argues that (2) a prima facie case of obviousness has not been established to reject claims 6, 7, 13, and 14 by combining Worthington, Lofton, and Johnson. Finally, Applicant argues that (3) all dependent claims are allowable because of arguments (1) and (2).

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Regarding argument (1), Examiner respectfully disagrees. Under the **broadest reasonable interpretation** of the claims (See *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)), a laptop (taught by Worthington, col. 3, lines 52-55) is clearly a "hand-held computer device", as it is a computer device that can be held in a hand or hands. Additionally, Examiner asserts that it would have been obvious to embody applicant's invention in any computing device, which Worthington teaches (col. 3, lines 52-55, "data processing unit"), such as a PDA, based on market incentives.

Regarding argument (2), Examiner respectfully disagrees. The USPTO has issued examination guidelines for determining obviousness under 35 U.S.C. 103 in view of the Supreme Court decision in *KSR International Co. v. Teleflex Inc.* First an Examiner must complete the basic factual inquiries of *Graham v. John Deere Co.* Next, seven rationales are provided in 72 Fed. Reg. 57526 (dated October 10, 2007) to determine whether the claimed invention would have been obvious to one of ordinary skill in the art: (A) combining prior art elements according to known methods to yield predictable results; (B) simple substitution of one known element for another to obtain predictable results; (C) use of known technique to improve similar devices (methods, or products) in the same way; (D) applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) "obvious to try"--- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and (G) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the

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prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

The MPEP further clarifies that the prior art references must disclose or suggest all of the claimed features. See MPEP 2143.

With respect to all claims, Examiner has used Rationale (A), combining prior art elements according to known methods to yield predictable results. As stated in the previous office action, "All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions...Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention." Applicant's invention is essentially a computer program running in different embodiments. Parts of computer code can be combined using methods well-known to one skilled in the art, particularly in object-oriented programming, and thus the combinations of Worthington, Lofton, and Johnson would have yielded predictable results.

Regarding argument (3), Examiner respectfully disagrees. Dependent claims are not allowable as per the response to arguments (1) and (2) above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Worthington (US 6,442,527 B1) in view of Lofton (US 2003/0154116 A1).

Regarding claim 1, Worthington teaches:

A hand-held computer device comprising a processor, memory, and a medium storing software (col. 3, lines 52-55, laptop computer is a hand-held computer device, it is old and well-known for steps to be stored in software) that causes the processor to perform the following steps:

a. create a time management entry in a time management application (col. 1, lines 61-64, col. 2, lines 24-33).

Worthington does not teach:

b. attach a file to the time management entry.

Lofton teaches:

b. attach a file stored in the memory to the time management entry (par. 23, lines 1-14, par. 112, lines 1-15); and

c. display the file on a display of the hand-held computer device (par. 112, lines 1-15).

The inventions of Worthington and Lofton pertain to scheduling time management entries in a time management application. All the claimed elements were known in the prior art

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and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Worthington, but rather, teaches an additional feature that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the fact that additional information is sometimes desired for certain appointments and tasks, such as the example for directions to a scheduled soccer game taught by Lofton (par. 112, lines 5-7).

Regarding claim 2, Worthington teaches wherein the time management entry is an appointment in the time management application (col. 2, line 30, col. 5, lines 49-55).

Regarding claim 3, Worthington teaches wherein the time management entry is a task in the time management application (col. 2, lines 31, col. 5, lines 49-52, 55-58).

Regarding claim 4, Worthington teaches wherein the time management applications is a calendar, and wherein the task is listed in an assignments due list managed by the calendar time management application (col. 2, line 31, col. 5, lines 49-58, Figures 4 and 5).

Regarding claim 5, Worthington does not teach wherein time periods in the calendar time management application are class periods.

Lofton teaches wherein the time periods in the calendar time management application are class periods (par. 127, lines 7-10).

The inventions of Worthington and Lofton pertain to scheduling time management entries in a time management application. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict

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Worthington, but rather, teaches a specific embodiment that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in ease of use provided by tailoring the invention to an educational environment.

Examiner officially notes that calling the time periods class periods is nonfunctional descriptive material, because it does not alter the article, and the application would be operable in the same manner regardless of if the time periods are class periods, work shifts, etc. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Regarding claims 8-12, Worthington teaches that the invention can be embodied in a data processing unit, such as a laptop computer (col. 3, lines 52-55). It is thus old and well-known if not inherent that a laptop computer would contain a processor, a memory coupled to the processor, a storage medium coupled to the processor, a display, and would be able to run software that would perform the steps of claim 8. It is also inherent that a laptop is a portable computing device. Claims 8-12 are rejected using the same art and rational as used above in rejecting claims 1-5.

6. **Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Worthington (US 6,442,527 B1) in view of Lofton (US 2003/0154116 A1), further in view of Johnson JR. (US 2004/0078752 A1).

Regarding claims 6, 13, and 20, neither Worthington nor Lofton teach wherein the attached file's association with the time management entry is indicated with a graphical icon in the application near the time management entry.

Lofton teaches wherein the attached file's association with the time management entry is indicated in the application near the time management entry (par. 112, lines 1-15).

Johnson JR teaches that the time management entry is indicated with a "document reference or document identifier" (par. 42, lines 4-8). Though Johnson JR does not specifically teach "graphical icon," "graphical icon" is an obvious variation of "document identifier."

The inventions of Lofton and Johnson JR pertain to attaching files to scheduled calendar events. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton and Johnson JR do not teach away from or contradict Worthington, but rather, elaborate on a detail that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in aesthetics and ease of use.

Examiner officially notes that specifying that the file attached to the time management entry is indicated with a graphical icon is nonfunctional descriptive material, because it does not alter the article, and the application would be operable in the same manner regardless of how the file attached to the time management entry is indicated. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Regarding claims 7 and 14, neither Worthington nor Lofton teach wherein a user is able to activate the application associated with the attached file and view the attached file by selecting the graphical icon.

Lofton teaches wherein the user is able to activate the application associated with the attached file and view the attached file by selecting the link (par. 112, lines 1-15).

Johnson JR teaches that the time management entry is indicated with a “document reference or document identifier” (par. 42, lines 4-8). Though Johnson JR does not specifically teach “graphical icon,” “graphical icon” is an obvious if not inherent variation of “document identifier.”

The inventions of Lofton and Johnson JR pertain to attaching files to scheduled calendar events. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Johnson JR and Lofton do not teach away from or contradict Worthington, but rather, elaborate on a detail that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in aesthetics and ease of use.

Conclusion

7. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 4, 2008

/J. C./

Examiner, Art Unit 3623

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623